

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:01CR98-P-D

JOHN E. ANDREWS,

DEFENDANT.

ORDER

This matter comes before the court upon Defendant's third motion for continuance of trial [32-1]. Upon due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for April 24, 2006. Trial has been continued on two prior occasions. On March 28, 2006, the Court rejected the defendant's plea agreement, reset the date of trial and deadlines to file pretrial motions and a plea agreement. Defense counsel avers that he is engaged once again in plea negotiations with the Government and that a plea is expected but additional time is needed to finalize the agreement.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from April 24, 2006 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's Motion for Continuance of trial [32-1] is hereby **GRANTED**;
- (2) Trial of this matter is continued until Monday, June 5, 2006 at 9:00 a.m. in the United

States Courthouse in Greenville, Mississippi;

(3) The delay from April 24, 2006 to June 5, 2006 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is May 15, 2006; and

(5) The deadline for submitting a plea agreement is May 22, 2006.

SO ORDERED, this the 10th day of April, A.D., 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE